

Message Text

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PAGE 01 ROME 09408 101902Z

51

ACTION L-03

INFO OCT-01 EUR-25 ISO-00 CAB-09 CIAE-00 COME-00 DODE-00

EB-11 INR-10 NSAE-00 RSC-01 FAA-00 PM-07 H-03 NSC-10

PA-03 PRS-01 SS-15 USIA-15 DOTE-00 AF-10 ARA-16 EA-11

NEA-10 IO-13 OIC-04 SY-10 USSS-00 SCA-01 A-01 AID-20

TRSE-00 OMB-01 JUSE-00 DRC-01 /212 W

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P R 101820Z SEPT 73

FM AMEMBASSY ROME

TO SECSTATE WASHDC PRIORITY 0677

INFO AMEMBASSY LONDON

AMEMBASSY PARIS

AMEMBASSY MOSCOW

AMCONSUL MONTREAL

USUN NEW YORK 1689

UNCLAS ROME 9408

E.O. 11652: N/A

TAGS: ICAO, ETRN

SUBJECT: ICAO AIR SECURITY CONFERENCE: QUESTIONS OF PRINCIPLE

MONTREAL FOR US REP ICAO

PLS PASS TO: LITTELL/CAB; DRISCOLL/DOT; STEWART/FAA

FOLLOWING QUESTIONS OF PRINCIPLE, WHICH WERE DEVELOPED
BY CONFERENCE PRESIDENT WITH COUNSEL OF INFORMAL WORKING
GROUP, WILL BE DISCUSSED AND POSSIBLY VOTED UPON AT SEPT 12
CONFERENCE SESSION:

BEGIN TEXT QT

QUESTIONS OF PRINCIPLE

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PAGE 02 ROME 09408 101902Z

(FORMULATED BY THE PRESIDENT)

1. A. SHOULD A NEW CONVENTION APPLY IN RESPECT OF
STATE CONDUCT WITH REGARD TO ACTS OR OMISSIONS REFERRED
TO IN THE HAGUE AND MONTREAL CONVENTIONS?

B. SHOULD A NEW CONVENTION COVER ALSO OTHER STATE
CONDUCT WHICH CONSTITUTES A THREAT TO THE SAFETY OF INTER-
NATIONAL CIVIL AVIATION?

2. SHOULD THE NEW CONVENTION APPLY WHEN ACTS OF UNLAWFUL
INTERFERENCE HAVE BEEN COMMITTED BY STATES?

3. IS THERE A PREFERENCE FOR MACHINERY UNDER THE NEW
CONVENTION TO UTILIZE:

(A) A BODY OUTSIDE THE ICAO FRAMEWORK, OR
(B) ONE OR MORE BODIES WITHIN THE ICAO FRAMEWORK, OR
(C) THE FRAMEWORK OF THE ICAO, IN CONJUNCTION WITH
AN OUTSIDE BODY?

4. SHOULD THIS MACHINERY COMPRISE A BODY COMPOSED OF
INDEPENDENT PERSONS?

5. SHOULD THE MACHINERY BE COMPETENT TO ASSESS
STATE CONDUCT WITH RESPECT TO RULES OF INTERNATIONAL LAW
APPLICABLE TO SAFETY OF INTERNATIONAL CIVIL AVIATION?

6. SHOULD THE MACHINERY BE COMPETENT TO DRAW OTHER
TYPES OF CONCLUSIONS OR MAKE RECOMMENDATIONS, EXCLUSIVE
OF SANCTIONS OR COERCIVE MEASURES, ON THE BASIS OF FACTS
FALLING WITHIN THE SCOPE OF THE CONVENTION?

7. SHOULD THE MACHINERY BE CONFINED TO A DETERMINATION
OF THE FACTS?

8. SHOULD THE MACHINERY UNDER THE NEW CONVENTION BE
COMPETENT TO MAKE RECOMMENDATIONS TO:

(A) A STATE PARTY TO THE NEW CONVENTION ALLEGED TO
BE IN DEFAULT;

(B) A STATE PARTY TO THE NEW CONVENTION NOT ALLEGED
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PAGE 03 ROME 09408 101902Z

TO BE IN DEFAULT;

(C) A STATE PARTY TO THE CHICAGO CONVENTION;

(D) ANY OTHER STATE?

9. SHOULD THE NEW CONVENTION BE TERMINATED UPON THE
ENTRY INTO FORCE OF CORRESPONDING AMENDMENTS TO THE
CHICAGO CONVENTION? UNQTE END TEXT.VOLPE

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NNN

*** Current Handling Restrictions *** n/a

*** Current Classification *** UNCLASSIFIED

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30 JUN 2005

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